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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,046	02/28/2002	Brian D. Fiut	10020057-1	6491

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AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
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EXAMINER

NGUYEN, DUC MINH

ART UNIT PAPER NUMBER

2643

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,046

Applicant(s)

FIUT ET AL.

Examiner

Duc Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-24 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 12-13, 18, 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Menon et al (US2001/0001268A1).

Consider claims 1-2, 12-13, 21-22. Menon teaches a method and system for monitoring a base station in a wireless communication network from a location remote to the base station, comprising acquiring at a monitoring probe arranged local to a base station measurement data for at least one network link parameter of the base station, measurement data for at least one wireless link parameter of the base station, and measurement data for at least one operational parameter of the base station (page 15, paragraphs [0224]-[0228]); formatting the measurement data for the at least one network link parameter, the measurement data for the at least one wireless link parameter, and the measurement data for the at least one operational parameter into a uniform format (page 13, [0198], [0204]; page 15, paragraph [0228]); and communicating, in the uniform format, the data from the monitoring probe to a processor-based device arranged remote from the base station (wireless access system 10 or 101, page 15, [0228]).

Consider claims 3, 18. Menon, page 33, claim 24 and page 34, claim 27 read on the limitations of claims 3, 18.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-7, 9, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al (US2001/0001268A1) in view of Breed (5,489,914)

Consider claims 5-7, 9, 19. Menon does not clearly teach antenna measurement comprises swept return loss measurement.

Breed teaches antenna measurement comprises swept return loss measurement (col. 6, ln. 65 to col. 7, ln. 18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Breed into the teachings of Menon, so that multiple frequency operation is achieved without the use of reactive components or large structures.

5. Claims 8, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al (US2001/0001268A1) in view of Mailandt et al (4,823,280).

Consider claims 8, 20. Menon does not teach the measurement comprising temperature, flooding, fire, alarm, power, etc.

Mailandt teaches the measurement comprising temperature, flooding, fire, alarm, power, etc. (abstract; col. 2, ln. 3-19; col. 13, ln. 15-47).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Mailandt into the teachings of Menon in order to provide an improved system monitor to give accurate information continuously from which soft failures can be detected and repaired prior to actual system failure, thereby reducing system down time.

6. Claims 10-11, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al (US2001/0001268A1) in view of Barshefsky et al (6,385,609).

Consider claims 10-11, 16-17. Menon does not teach using a user interface for accessing the measurement data received by the processing-based device.

Barshefsky teaches using a user interface for accessing the measurement data received by the processing-based device (figs. 1 and 3, col. 3, ln. 59-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Barshefsky into the teachings of Menon in order to provide an improved system monitor to give accurate information continuously from which soft failures can be detected and repaired prior to actual system failure, thereby reducing system down time.

7. Claims 14-15, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al (US2001/0001268A1) in view of Wiczer (US2002/0147936A1).

Consider claims 14-15, 23-24. Menon does not teach the use of Smart Transducer Interface Module (STIM), Network Capable Application Processor (NCAP) and IEEE 1451.X standards.

Wiczer teaches the use of Smart Transducer Interface Module (STIM), Network Capable Application Processor (NCAP) and IEEE 1451.X standards (abstract; page 1, [0003], [0013]-[0015]; page 2, [0023]-[0025]; page 2, [0028]; page 4, [0042]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Wiczer into the teachings of Menon in order to provide an improved system monitor to give accurate information continuously from which soft failures can be detected and repaired prior to actual system failure, thereby reducing system down time.

Allowable Subject Matter

8. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed 12/23/04 have been fully considered but they are not persuasive.

Regarding the Menon reference, applicant states that Menon does not teach acquiring at a monitoring probe arranged local to a base station each of the recited measurements data	In contrast to applicant's assertions, ¶ [0224-0226] clearly disclose the base station 30 generates and maintains hardware/software/firmware status of itself.
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recited by claim 1 (i.e., for a network link parameter, wireless link parameter, and operational parameter). Applicant goes on with arguments that Menon does not teach that the measurement collection functionality of the base station includes acquiring measurement data for each of a network link parameter, wireless link parameter, and operational parameter.

Furthermore, base station 30 performs self-testing in order to verify it respective correct operations. These two above elements clearly meet the limitation acquiring measurement data for at least one operational parameter of the base station 30. Now turning to ¶ [0227], this paragraph clearly discloses that the base station 30 performs a measurement collection functionality which determines the up-link radio quality and signal strength on each base station 30, i.e., but not limited to busy, over-the-air channels, the signal strength on idle, etc. Therefore, the limitations of acquiring measurement data for at least one network link parameter of the base station and acquiring measurement data for at least one wireless link parameter of the base station are met by the disclosure of ¶ [0227]. It is noted that LINK is a physical layer communication path between adjacent network nodes. It is also noted that CHANNEL is communication path which may send in one direction only (simplex); or both

	<p>directions alternating (half-duplex); or both directions simultaneously (full-duplex). Most advanced networks today (such as ISDN, Frame Relay, and ATM) support full-duplex channels.</p> <p>(1) In telephone networks, a constant bit-rate physical channel, such as a DS0 within a DS1. The DS1 is said to be channelized. The most popular, fundamental channel in digital networks is a DS0 at 64 Kb/s.</p> <p>(2) In data networks, a virtual channel.</p> <p>(3) In radio, a band of radio frequencies wide enough to permit a single radio communication to be established, either broadcast or half-duplex. Occasionally, a technology like TDD allows a single channel to support full-duplex; but usually two distinct simplex channels are combined to construct a full-duplex channel.</p> <p>(4) In television, the 6 MHz band of frequency allocated to each separate television signal (when using traditional broadcast methods).</p> <p>Also used to describe any of the discrete</p>
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	signals in alternative delivery methods of television distribution (such as Cable TV or DBS). Copyright © 1995-1998 TRA - All rights reserved. Therefore, the uplink and channels read on the network link of the base station or wireless link of the base station.
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Applicant further argues that Menon does not teach formatting the various acquired types of measurement data into an uniform format.	As noted above, Menon does teach acquiring at a monitoring probe arranged local to a base station each of the recited measurements data recited by claim 1 (i.e., for a network link parameter, wireless link parameter, and operational parameter). Furthermore, Menon teaches formatting the measurement data for the at least one network link parameter, the measurement data for the at least one wireless link parameter, and the measurement data for the at least one operational parameter into a uniform format (page 13, [0198], [0204-0206]; page 15, paragraph [0228]); and communicating, in the uniform format, the data from the monitoring probe to a processor-
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	based device (OMC72 and OSS 70) arranged remote from the base station (wireless access system 10 or 101, page 15, [0228]).
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Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

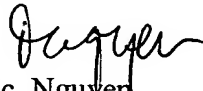
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is (571) 272-7503. The examiner can normally be reached on 7:00AM-3:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kuntz Curtis can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Duc Nguyen
Primary Examiner
Art Unit 2643

5/19/05